

**UNITED STATES DISTRICT COURT**  
**THE NORTHERN DISTRICT OF CALIFORNIA**  
**SAN JOSE DIVISION**

## JURY TRIAL DEMANDED

## **INTRODUCTION**

1. Plaintiffs Robert Heath (“Mr. Heath”) and Cheryl Fillekes (“Ms. Fillekes”) (collectively “Plaintiffs”), on behalf of themselves and all others similarly situated, allege Defendant Google, Inc. (“Google”), through its hiring and employment practices, violated the Age Discrimination in Employment Act, as amended (“ADEA”), 29 U.S.C. § 621 *et seq.* Additionally, Plaintiffs, on behalf of themselves, allege Google violated the California Fair Employment and Housing Act (“FEHA”), Cal. Gov’t Code § 12900 *et seq.*

2. Between 2007 and 2013, Google’s workforce grew from 9,500 to over 28,000 employees, yet as of 2013 its employees’ median age was 29 years old.

3. In February 2011, Google failed to hire Mr. Heath, then age 60, despite his highly-pertinent qualifications and experience for the software engineer position for which he interviewed, despite a Google recruiter having deemed him a “great candidate” and despite Google needing many new hires and professing “Google is embarking on its largest recruiting / hiring campaign in its history.”

4. Between 2007 and 2014, Ms. Fillekes interviewed with Google for four different positions. On each occasion, she performed well during her phone interviews and was invited to Google’s offices for an in-person interview. After each in-person interview, and review by Google’s hiring committee, Google failed

1 to hire Ms. Fillekes despite her highly-pertinent qualifications and programming  
2 experience.

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4 5. Workforce statistics for 2013, as kept by the U.S. Department of Labor  
5 (“DOL”),<sup>1</sup> indicate a median age of all U.S. workers of 42.4 years old. The 2013  
6 DOL data further indicates a median age of 41.1 years old for U.S. workers in all  
7 “Computer and mathematical occupations.” The DOL data further indicates: (a) a  
8 median age 42.8 years old for all U.S. workers who are “Computer programmers;”  
9  
10 (b) a median age of 40.6 years old for all U.S. workers in the occupations of  
11 “Software developers, applications and systems software;” (c) a median age of  
12 44.3 years old for U.S. workers in all “Architecture and engineering occupations;”  
13  
14 (d) a median age of 41.7 years old for U.S. “Computer hardware engineers;” and a  
15 median age of 44.2 years old for U.S. “Engineers, all other.” Google’s workforce,  
16  
17 comprised mostly of workers under the age of 40, is grossly disproportionate to  
18  
19 these U.S. workforce norms.

20 6. Google has publicly acknowledged on its “Diversity” webpage, “We’re  
21  
22 not where we want to be when it comes to diversity. And it is hard to address these  
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24 kinds of challenges if you’re not prepared to discuss them openly, and with the  
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28 <sup>1</sup> These statistics are maintained by the Bureau of Labor Statistics at  
[http://www.bls.gov/cps/occupation\\_age.htm](http://www.bls.gov/cps/occupation_age.htm).

1 facts.”<sup>2</sup> However, Google’s Diversity webpage does not include age-related  
2 workforce data, despite disclosing data about other worker characteristics.

### 3 4 **THE PARTIES**

5 7. Mr. Heath is a United States citizen, born on June 28, 1950, and has been  
6 60 years old or older at all pertinent times referenced herein. Mr. Heath currently  
7 resides in Boynton Beach, FL, formerly resided in Delray Beach, FL and has  
8 resided in Florida at all pertinent times. Mr. Heath has exhausted his  
9 administrative remedies and complied with the statutory prerequisites of filing an  
10 ADEA complaint by filing a timely discrimination complaint against Google with  
11 the U.S. Equal Employment Opportunity Commission (“EEOC”), which was  
12 cross-filed with the California Department of Fair Employment & Housing  
13 (“DFEH”). Mr. Heath has received right to sue notices from EEOC and DFEH and  
14 is timely filing this complaint and the ADEA and FEHA claims herein.

15 8. Ms. Fillekes is a United States citizen and has been 47 years old or older at  
16 all pertinent times referenced herein. Ms. Fillekes currently resides in upstate New  
17 York. Until 2014, she resided in Austin, Texas.

18 9. Google is headquartered in Mountain View, California, and is an  
19 American multinational corporation with internet-related products and services  
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27 <sup>2</sup> See

28 <https://web.archive.org/web/20140905062131/http://www.google.com/diversity/at->

1 involving online search, software, computing, and advertising technologies.  
2 Google had revenues of approximately \$66 billion in 2014. At all pertinent times,  
3 Google has had 9,500 or more employees in the United States and currently  
4 employs over 53,000 employees. Google, in its own capacity and as a joint  
5 employer with subsidiaries, affiliates and/or other entities with which it is  
6 associated or contracts, has exerted significant control over the hiring and  
7 employment decisions and actions herein. Relief is sought against Google as well  
8 as its affiliates, employees, agents, assistants, and successors.  
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### 12 **JURISDICTION**

13 10. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331, 29  
14 U.S.C § 216(b), and 29 U.S.C. § 626.  
15

16 11. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1332(a)  
17 as the amount in controversy of greater than \$75,000, exclusive of interest and  
18 costs, and is between citizens of different states.  
19

20 12. This Court has supplemental jurisdiction over Plaintiffs' state law claim  
21 pursuant to 28 U.S.C. § 1367 as that claim arises out of the same operative facts as  
22 Plaintiffs' other claim and, together, the form part of the same case or controversy.  
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24 13. This Court has personal jurisdiction over the Defendant because it engages  
25 in continuous and systematic business contacts within the State of California and  
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google.html (archived copy of Google's webpage titled "Diversity" as it appeared

1 maintains a substantial physical presence in this State, including the operation of  
2 its corporate headquarters in Mountain View, California.

3  
4 **VENUE AND INTRADISTRICT ASSIGNMENT**

5 14. Venue in this district is proper pursuant to 28 U.S.C. § 1391, in that  
6 Google resides in this District, and a substantial part of the events (including  
7 discriminatory hiring practices) giving rise to Plaintiffs' claims occurred in this  
8 District. Assignment in this Division is proper pursuant to Civil L.R. 3-2(c)  
9 because a substantial part of the events giving rise to Plaintiffs' claims occurred in  
10 this Division.  
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13 **FACTUAL ALLEGATIONS**

14 *Plaintiff Heath*

15  
16 15. Mr. Heath graduated from North Carolina State University in 1978 with a  
17 B.S. in Computer Science. Since 1978, Mr. Heath has had extensive work  
18 experience in information technology ("IT") positions, including software engineer  
19 positions with IBM, Compaq and General Dynamics.  
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22 16. In February 2011, Mr. Heath was seeking an IT job. He had his resume  
23 posted on his personal website (www.bobheath.com). The resume listed his IT  
24 jobs dating back to 1978 (*i.e.* over 32 years of post-college jobs), and thus made it  
25 apparent he was over 50 years old.  
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September 5, 2014).

1 17. Mr. Heath's website resume stated his desired position involved  
2 "opportunities related to software development [and] I would be interested in  
3 assignments related to embedded systems or the world wide web and internet  
4 assignments regarding C++, Java, PHP, and other software technologies."

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6 18. Mr. Heath's resume stated he had a master certification in Java, and he had  
7 "[s]cored higher than 96% of all previous test takers" for that certification. His  
8 resume further stated he had a master certification in C++, and he had "[s]cored  
9 higher than 89% of all previous test takers" for that certification. It is rare for an  
10 IT professional to have both certifications in Java and C++.

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12 19. On February 2, 2011, Mr. Heath was contacted by Sam Chun, who worked  
13 as a recruiter in Engineering Staffing for Google in the San Francisco Bay Area  
14 (on information and belief, in Google's Mountain View, CA headquarters). Mr.  
15 Chun sent Mr. Heath an electronic message via Mr. Heath's website. The message  
16 stated, in pertinent part:

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20 Not sure if you are aware of this but Google is embarking on its  
21 largest recruiting / hiring campaign in its history. With that said I am  
22 currently looking for the most talented and brightest software  
23 engineers and I was hoping to get a few moments of your time to  
24 speak with you about the opportunities we have available at Google.  
25 We're specifically looking for engineers with coding expertise in  
26 C/C++ or Java for projects related to Chrome OS, Android, Gmail,  
27 Search Quality, Adsense, core Google Infrastructure, as well as many  
28 other others. After reviewing your experience, I thought you would  
be a great candidate to come work at Google and add value.

1 20. Google also informed Mr. Heath that we was being considered for  
2 positions in Mountain View, as well as elsewhere.

3  
4 21. Later on February 2, 2011, Mr. Heath emailed Mr. Chun in response and  
5 stated "Sure, I would be interested in working for Google." Mr. Heath further  
6 stated "As you can see [from his attached resume], I have over 30 years of  
7 experience with Java, C/C++, and various assembly languages." Mr. Heath's  
8 email then described his related experience working on various applications,  
9 systems and algorithms. Mr. Chun sent an email in reply later that day, and stated  
10 "That is great to hear." Mr. Chun asked Mr. Heath to complete a questionnaire,  
11 which Mr. Heath promptly completed and emailed to Mr. Chun, along with a copy  
12 of his resume. On that questionnaire, Mr. Heath indicated that he was interested in  
13 working in Mountain View, among other locations.

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17 22. On February 3, 2011, Mr. Chun emailed Mr. Heath and informed him "a  
18 technical phone interview" of Mr. Heath, to be conducted by a "Google Software  
19 Engineer," was scheduled for Tuesday, February 8, 2011 at 10:00 AM PST. The  
20 email indicated the Software Engineer would call Mr. Heath, and "[t]he interview  
21 requires you to be at a computer with internet connection throughout the call in  
22 case coding is tested in real time via shared document." The email gave Mr. Heath  
23 a link so he could access shared documentation via Google Docs.  
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1 23. On February 8, 2011, the Google interviewer began the interview by  
2 calling Mr. Heath ten minutes later than scheduled. This in turn caused the  
3 interview to be shorter than the allotted time, and to end before the interview  
4 questions were all answered, because, according to the interviewer, he had to  
5 terminate the interview at 11:00 AM PST.  
6

7  
8 24. The Google interviewer was barely fluent in English. The interviewer used  
9 a speaker phone that did not function well. Mr. Heath asked him, politely and  
10 repeatedly, if he would use his phone's handset, and the interviewer refused,  
11 stating that "we" would have to "suffer" through the interview using the speaker  
12 phone because he did not want to have to hold the handset through the whole  
13 interview. Communication was very difficult, and Mr. Heath and the interviewer  
14 had difficulties understanding each other throughout the interview.  
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16  
17 25. The Google interviewer began by asking Mr. Heath how his employment  
18 would help Google. Mr. Heath began to answer, but before he finished, the  
19 interviewer interrupted him and told him he had answered the question. During the  
20 remainder of the interview, the interviewer never asked about Mr. Heath's  
21 background, accomplishments, or qualifications.  
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24 26. The remainder of the interview consisted of three sections of technical  
25 questions. The first two sections of questions dealt with calculating the size  
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1 requirements of a program using arrays and the order of complexity of a sort  
2 algorithm. Mr. Heath answered these questions completely and accurately.

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4 27. The third section of questions involved Mr. Heath writing a short program  
5 to find the answer to a problem presented by the interviewer. Mr. Heath arrived at  
6 a solution, and asked the interviewer if he would access Mr. Heath's solution —  
7 *i.e.* the coding and program Mr. Heath had written — via the shared Google Docs  
8 documentation.  
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11 28. The Google interviewer refused to use Google Docs or access the shared  
12 documentation with Mr. Heath's program. Mr. Heath offered to email the  
13 interviewer the program, and interviewer refused that as well. The interviewer  
14 required Mr. Heath to read the program coding over the phone, which Mr. Heath  
15 did. However, the interviewer — whose poor English and use of the speaker phone  
16 further complicated this exchange — seemed not to understand what Mr. Heath  
17 was reading, despite Mr. Heath's best efforts.  
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21 29. On February 10, 2011, Mr. Chun emailed Mr. Heath and stated  
22 "Unfortunately, based on the feedback we received from the engineer who  
23 conducted your technical phone interview, we're not going to be continuing on to  
24 the next step in the process." No detail was stated as to why Google did not hire  
25 Mr. Heath for the position. On information and belief, Mr. Chun, along with other  
26 Google representatives located in California, were involved with the decision to  
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1 not offer Mr. Heath a position. On information and belief, the phone interviewer  
2 who interviewed Mr. Heath had worked in California for Google and his input,  
3 and/or the input of Google representatives senior to him who were located in  
4 California, contributed to the decision not to hire Mr. Heath.  
5

6 30. Following the interview, Mr. Heath contacted Google Human Resources  
7 (“HR”) and explained what had occurred during the interview to an HR  
8 representative. The HR representative stated that the interviewer had acted  
9 inappropriately. The HR representative stated the interviewer should have used the  
10 Google Docs software to receive the program that he had asked Mr. Heath to  
11 write.  
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15 31. On information and belief, by conducting the interview as described  
16 above, Google intentionally did not allow Mr. Heath to communicate or  
17 demonstrate his full technical abilities and did not have a sincere interest in hiring  
18 Mr. Heath.  
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20 *Plaintiff Fillekes*  
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22 32. Ms. Fillekes started programming as a high school student in 1976. She  
23 attended Cornell University, where she earned a B.S. in engineering in 1982. In  
24 1990, she earned a PhD in geophysics from the University of Chicago. In 1993,  
25 she served as the Mary I. Bunting Science Scholars Postdoctoral Fellow at Harvard  
26 University. She has approximately 40 years of programing experience in a variety  
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1 of programming languages (including Pascal, Basic, PL1, C, C++, and Python),  
2 and specializes in Unix and Linux systems programming.

3  
4 33. In 2007, a Google recruiter contacted Ms. Fillekes for possible  
5 employment in either Google's Engineering and Testing group, or Google's  
6 Software Development group. After performing well during a series of telephone  
7 interviews, Google invited Ms. Fillekes for an in-person interview in Mountain  
8 View. After the interview, the Google recruiter told Ms. Fillekes that she had  
9 performed very well and that her application would be submitted to Google's  
10 centralized hiring committee in Mountain View. However, Ms. Fillekes did not  
11 hear from Google for several months. When she ultimately reached out to Google,  
12 she was told that she had not been selected.

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16 34. In April 2010, Steven Norton, a California-based Google recruiter,  
17 contacted Ms. Fillekes. Mr. Norton informed Ms. Fillekes that "we are now hiring  
18 for hundreds of openings this year" and asked whether she was interested in  
19 applying. Mr. Norton was aware that Ms. Fillekes had previously applied for a  
20 position with Google and stated that "I can tell by your profile on linkedin and  
21 your previous interview scores, you are an ideal candidate!" Ms. Fillekes  
22 responded that she was interested. On April 8, 2010, Ms. Fillekes interviewed with  
23 Mr. Norton and another recruiter, Neha Chaudary.  
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1 35. After performing well, Ms. Fillekes was asked to participate in a second  
2 phone interview. On April 19, 2010 she participated in a technical phone interview  
3 with Ernest Lam. Later that day, Mr. Norton told Ms. Fillekes that “I am happy to  
4 inform you that you did great on your interview.”  
5

6 36. Mr. Norton handed Ms. Fillekes’ application off to Karen Cutler, a Google  
7 Software Engineering Recruiter responsible for coordinating Ms. Fillekes’ next  
8 round of interviews. As requested, Ms. Fillekes sent Ms. Cutler her resume.  
9 However, Ms. Cutler was dissatisfied and sought additional information, asking  
10 “can you please send me an updated resume that shows your graduation dates for  
11 each degree.” Ms. Fillekes provided her with this information.  
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14 37. On May 10, 2010, Ms. Fillekes attended an in-person interview in  
15 Mountain View and met with a number of Google representatives. Ms. Fillekes  
16 performed well during these interviews and was told that her application would be  
17 reviewed by Google’s hiring committee. On May 17, 2010, Ms. Cutler emailed  
18 Ms. Fillekes to inform her that after review by Google’s hiring committee, she had  
19 not been selected.  
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22 38. On August 30, 2011, Google recruiter Svetlana Sladkova contacted Ms.  
23 Fillekes about a position as a Site Reliability Engineering (“SRE”) Systems  
24 Engineer on the Google.com (SRE) team. As Ms. Sladkova noted, Ms. Fillekes’  
25 “Linux expertise may be an excellent fit for our Google.com team.” After  
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1 performing well during several phone interviews with Google technical recruiters  
2 and a member of the SRE team, Ms. Fillekes was invited for an on-site interview.

3  
4 39. On November 29, 2011, Ms. Fillekes attended in-person interviews in  
5 Mountain View and met with a number of Google representatives, including Gary  
6 Arneson. Ms. Fillekes performed well during these interviews and was told that  
7 her application would be reviewed by Google's hiring committee. However, on  
8 December 8, 2011, Mr. Arneson informed Ms. Fillekes that after review by  
9 Google's hiring committee, she had not been selected.  
10

11  
12 40. On December 13, 2013, Google recruiter John Wilson contacted Ms.  
13 Fillekes about another job opportunity at Google. Ms. Fillekes expressed interested  
14 and, on March 14, 2014, she was interviewed by phone by Google recruiter  
15 Mawulom Nenonene. In mid-June 2014, Ms. Fillekes participated in a second  
16 interview with Google recruiter Emily Mao. After performing well during these  
17 screening interviews, Ms. Fillekes participated in a technical phone interview on  
18 July 16, 2014. After the results of the technical interview were reviewed by  
19 Google's hiring committee, Ms. Fillekes was invited for in-person interviews.  
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23 41. On August 24, 2014, Ms. Fillekes attended in-person interviews at  
24 Google's New York City offices, and met with a number of Google  
25 representatives. Ms. Fillekes performed well during these interviews and was told  
26 that her application would be reviewed by Google's hiring committee. However,  
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1 on August 29, 2014, Kevin Pierpont, a Google Technical recruiter, informed Ms.  
2 Fillekes that after review by Google's hiring committee, she had not been selected.

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4 42. Despite being very well qualified for each of the positions she interviewed  
5 for, Google did not hire her for any position after she attended her in-person  
6 interviews.

7  
8 43. On information and belief, Google's interview policies and practices with  
9 respect to Plaintiffs and similarly situated workers age 40 or older are  
10 disadvantageous as compared to those used with workers under 40 years old, who  
11 Google treats preferentially and hires in significantly greater numbers.

12  
13 44. On information and belief, Google failed to hire Plaintiffs and other  
14 similarly situated individuals in favor of younger applicants under the age of 40.

15  
16 45. Google, with respect to its hiring decisions and other terms and conditions  
17 of employment described herein, discriminates against job applicants and workers  
18 who are forty years old and older.

19  
20 46. Google's hiring and employment policies and practices described herein,  
21 from the pertinent period of August 13, 2010 (300 days preceding the date of Mr.  
22 Heath's EEOC complaint) through present, have denied equal opportunities  
23 involving hiring, employment and compensation to job applicants and workers  
24 who are forty years old and older.  
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1 47. On information and belief, Google's discriminatory conduct has occurred  
2 by reckless indifference and/or intentional discrimination.

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4 48. On information and belief, Google managers and executives with control  
5 over and/or responsibility for hiring policies, practices, and decisions (including  
6 those for Plaintiffs and similarly situated individuals) have made negative and  
7 discriminatory statements with regard to older workers age 40 and older.  
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10 *Related Actions*

11 49. The EEOC has received multiple complaints of age discrimination by  
12 Google, and is currently conducting an extensive investigation into Google's  
13 employment policies and practices. As part of that investigation, the EEOC  
14 requested a copy of Google's hiring policies and related documents. Google  
15 refused to provide these documents to the EEOC and has refused to cooperate with  
16 the EEOC's investigation.  
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19 50. In a prior lawsuit, *Reid v. Google, Inc.*, the California Supreme Court and  
20 Court of Appeal (Sixth Circuit) held that former Google executive Brian Reid  
21 (formerly Google's Director of Operations and Director of Engineering) had  
22 presented sufficient evidence in alleging age discrimination – including statistical  
23 evidence supporting preferential performance reviews and bonuses for workers  
24 under 40 and negative statements by high-level executives concerning older  
25 workers – to warrant a trial and denial of summary judgment. *See* 235 P.3d 988  
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(Cal. 2010); 66 Cal. Rptr.3d 744 (Cal. Ct. App. 2007). As those Courts' found, in addition to presenting statistical evidence, Mr. Reid presented evidence that executives and colleagues at Google had made negative statements reflecting animus towards workers over the age of 40, including: (a) that Urs Hölzle (Google's eighth employee, former VP of Engineering, and now a senior vice president of technical infrastructure at Google) had supervised Reid and had made age-related comments to Reid "every few weeks," including statements to Reid that his opinions and ideas were "obsolete," and "too old to matter;" (b) that other colleagues at Google had referred to Reid as an "old man," an "old guy," and an "old fuddy-duddy," had told him his knowledge was ancient, and had joked that his CD jewel case office placard should be an "LP" instead of a "CD;" (c) that Reid alleged that in a performance evaluation he received, his supervisor stated "Right or wrong, Google is simply different: Younger contributors, inexperienced first line managers, and the super fast pace are just a few examples of the environment;" (d) that Google's Vice President of Engineering Wayne Rosing (to whom Reid and Hölzle reported) and executive Larry Page (one of Google's co-founders) were involved with Reid's job termination and that Reid was told he was not a "cultural fit" as a reason for his job termination; and (e) that a former Google recruiter testified that the term "cultural fit" was used in company circles only to describe older workers.

**ADEA COLLECTIVE ACTION ALLEGATIONS**

51. Plaintiffs bring this case as an ADEA collective action pursuant to the 29 U.S.C. 216(b), on behalf of themselves and all individuals similarly situated individuals: *i.e.*, individuals who are age 40 or older who sought a work position with Google located in the United States and were not hired from August 13, 2010 through the present.

52. Google has engaged in a systematic pattern and practice of discriminating against individuals (including Plaintiffs) who are age 40 and older in hiring, compensation, and other employment decisions with the resultant effect that persons age 40 or older are systemically excluded from positions for which they are well-qualified. The end result of Google's pattern and practice of age discrimination is a workforce with a median age of 29.

**COUNT I**

(Age Discrimination in Employment Act, 29 U.S.C § 621, *et seq.*)  
(On Behalf of Plaintiffs and Similarly Situated Individuals)

53. Plaintiffs re-allege and incorporate the above paragraphs by reference as if fully set forth herein.

54. The ADEA claims herein are brought by Plaintiffs and similarly situated individuals.

55. Throughout the liability period, Google has engaged in a pattern and practice of discriminating against individuals who are age 40 and older by: (a)

1 knowingly and intentionally, in the company's hiring and employment practices,  
2 treating adversely individuals who are 40 years old and older, and treating  
3 preferentially individuals who are under 40 years old, and (b) filling a  
4 disproportionately large percentage of its workforce with individuals under 40  
5 years old (such that the median workforce age is 29 years old) even when there are  
6 many individuals age 40 or older who are available and well-qualified for the  
7 positions at issue.  
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11 56. As a direct and proximate result of Google's intentional discrimination,  
12 Mr. Heath and similarly situated individuals have been denied employment, denied  
13 the fair opportunity to obtain employment, and denied fair opportunities with  
14 regard to positions, compensation, and/or employment with Defendants.  
15

16 57. Google's actions constitute unlawful discrimination in violation of the  
17 ADEA.  
18

19 **COUNT II**

20 (California Fair Employment and Housing Act, Cal. Gov't Code § 12900, *et seq*)  
21 (On Behalf of Plaintiffs individually)

22 58. Plaintiffs re-allege and incorporate the above paragraphs by reference as if  
23 fully set forth herein.  
24

25 59. The FEHA prohibits an employer from discriminating on the basis of age.  
26 Cal. Gov. Code § 12940(a). The FEHA claims herein are brought by Plaintiffs  
27 individually.  
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1 60. Throughout the liability period, Google has engaged in a pattern and  
2 practice of discriminating against individuals who are age 40 and older by: (a)  
3 knowingly and intentionally, in the company's hiring and employment practices,  
4 treating adversely individuals who are 40 years old and older, and treating  
5 preferentially individuals who are under 40 years old, and (b) filling a  
6 disproportionately large percentage of its workforce with individuals under 40  
7 years old (such that the median workforce age is 29 years old) even when there are  
8 many individuals age 40 or older who are available and well-qualified for the  
9 positions at issue.  
10

11 61. As a direct and proximate result of Google's intentional discrimination,  
12 Plaintiffs have been denied employment, denied the fair opportunity to obtain  
13 employment, and denied fair opportunities with regard to positions, compensation,  
14 and/or employment with Google.  
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16 62. Google's actions constitute unlawful discrimination in violation of the  
17 FEHA.  
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19 **JURY TRIAL DEMAND**  
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21 63. Pursuant to Fed. R. Civ. P. 38(b), Plaintiffs, on their behalf and on behalf  
22 of others similarly situated, demand a trial by jury of all claims asserted in this  
23 Amended Complaint so triable.  
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**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs request this Court enter judgment against Google:

- a. Declaring this action to be an ADEA collective action properly maintained under 29 U.S.C. §216(b);
- b. Designating Plaintiffs as representatives of the Collective action;
- c. Designating Plaintiffs' counsel as counsel for the Collective action;
- d. Rendering a declaratory judgment that the practices complained of herein are unlawful and violate the ADEA and FEHA;
- e. Issuing a permanent injunction against Google and its officers, agents, successors, employees, representatives, and any and all persons acting in concert with them, from engaging in unlawful policies, practices, customs, and usages set forth herein;
- f. Ordering Google adopt a valid, non-discriminatory method for hiring;
- g. Ordering Google post notices concerning its duty to refrain from discriminating against employees on the basis of age;
- h. Ordering Google pay Plaintiffs, and similarly situated individuals, compensatory damages for harms suffered as a result of Google's violations of the ADEA;

1 i. Ordering Google pay Plaintiffs compensatory and punitive damages,  
2 attorneys' fees, and costs for harms suffered as a result of Google's violations of  
3 FEHA;  
4

5 j. Awarding Plaintiffs, and similarly situated individuals, prejudgment  
6 interest at the prevailing rate on the compensatory damages as a result of  
7 Defendants' discriminating against them;  
8

9 k. Awarding Plaintiffs, and similarly situated individuals, liquidated,  
10 exemplary and punitive damages;  
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12 l. Awarding reasonable attorneys' fees, expert witness fees, expenses, and  
13 costs of this action and of prior administrative actions; and  
14

15 m. Awarding Plaintiffs, and similarly situated individuals, such other relief  
16 as this Court deems just and appropriate.  
17

18 Dated: June 25, 2015

19 By: /s/ Daniel Low

20 Daniel L. Low, SBN: 218387  
21 Daniel A. Kotchen (*motion pro hac vice*  
22 *to be filed*), SBN: WI 1029853  
23 Michael von Klemperer (*motion pro hac*  
24 *vice to be filed*), SBN: DC 1015469  
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